

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DIN G. CHAVEZ LOPEZ,

Plaintiff,

vs.

DOUGLAS COUNTY PROSECUTORS
OFFICE, and DOUGLAS COUNTY
DEPARTMENT OF CORRECTIONS,

Defendants.

8:23CV162

MEMORANDUM AND ORDER

This matter is before the Court for case management. On May 25, 2023, the Clerk of the Court sent an order to Plaintiff at his last known address at the Douglas County Correctional Center (“DCCC”) and it was returned to this Court as undeliverable and indicated Plaintiff was no longer in DCCC custody. See [Filing No. 11](#). However, a check of the DCCC’s online public inmate records shows that Plaintiff is currently in the DCCC with an admission date of June 13, 2023.¹ As Plaintiff appears to be at the address the Court has on file,² the Court will address the matter of Plaintiff’s initial partial filing fee. The Prison Litigation Reform Act requires an imprisoned civil plaintiff to pay the Court’s entire filing fee, either at the outset when filing the complaint, or in installments if the Court grants leave to proceed in forma pauperis (“IFP”). *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997); *Jackson v. N.P. Dodge Realty Co.*, 173 F. Supp. 2d 951 (D. Neb. 2001).

¹ See Attached pdf of search result for Din G Chavez-Lopez, <https://corrections.dccorr.com/inmate-locator> (last visited June 13, 2023).

² Petitioner has an obligation to keep the Court informed of his current address at all times. See NEGenR [1.3\(e\)](#) and (g) (requiring pro se parties to adhere to local rules and inform the Court of address changes within 30 days). Failure to do so may result in dismissal of this matter.

On May 10, 2023, the Court granted Plaintiff's motion seeking leave to proceed IFP and ordered him to pay an initial partial filing fee in the amount of \$4.80 within 30 days. See [Filing No. 7](#). To date, Plaintiff has not paid the initial partial filing fee or asked for an extension of time in which to do so. Accordingly, the Court will require Plaintiff to show cause why this case should not be dismissed for his failure to pay the initial partial filing fee.

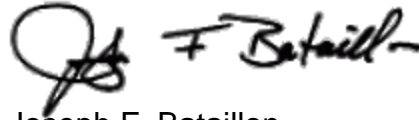
If Plaintiff's failure to pay by the Court's deadline was caused by prison officials' failure to adhere to his request to remit payment using funds from his account or other circumstances beyond his control, his failure to pay within the time ordered by the Court will be excused. Absent a sufficient response, the case will be subject to dismissal. See [Taylor v. Cassady](#), 570 Fed. App'x. 632 (8th Cir. 2014) (holding district court abused its discretion by dismissing case without first taking steps to determine whether prisoner-plaintiff's failure to pay the initial partial filing fee "was caused by circumstances beyond his control, such as prison officials' failure to adhere to his request to remit payment using funds from his account").

IT IS THEREFORE ORDERED that:

1. Plaintiff will have 30 days to show cause why this case should not be dismissed for failure to pay the initial partial filing fee. In the absence of cause shown, this case will be dismissed without prejudice and without further notice.
2. The Clerk of Court is directed to set a pro se case management deadline in this case using the following text: **July 13, 2023**: check for response to show cause order.

Dated this 13th day of June, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large, circular initial "J" and a long, horizontal stroke extending to the right.

Joseph F. Bataillon
Senior United States District Judge



NEBRASKA

DOUGLAS COUNTY**DEPARTMENT OF
CORRECTIONS**[Home](#) ▶ [Accepted](#)[Select Language](#)Text Size  

Inmate Locator

Inmate Details

[< Search Results](#) or [< Search Again](#)**Data Number:** 3444768**Admission Date - Time:** 06/13/2023 - 05:13 **Projected Release Date:** Not Specified**Name**

CHAVEZ-LOPEZ, DIN G

Sex

M

Race

H

Age

41

Facility

Jail

Height

5'05"

Weight

180 lb

Charges

DISORDERLY CONDUCT

ASSAULT, 3RD DEGREE

OBSTRUCTING A PEACE OFFICER

ASSAULT OFFICER WITH BODILY FLUID

Bond Amount

\$17,500 OR 10%

Fines & Costs: \$0.00**Hold:** No

Data current as of 06/13/2023-09:05